

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re *Ex Parte* Application of Porsche Automobil Holding SE for an Order Pursuant to 28 U.S.C. § 1782 Granting Leave to Obtain Discovery for Use in Foreign Proceedings.

Case No. 1:15-mc-00417 (LAK)

**DECLARATION OF EVAN A. GELACEK
IN SUPPORT OF MOTION TO VACATE § 1782 ORDER AND FOR OTHER RELIEF**

EVAN A. GELACEK declares pursuant to 28 U.S.C. § 1746 as follows:

1. I am the General Counsel and Chief Compliance Office of Firefly Value Partners, LP. I respectfully submit this declaration in support of the motion by Firefly Value Partners, LP together with other respondents, to vacate the § 1782 order entered by the Court on December 29, 2015 (the “Order”), and for other relief including quashing of the subpoenas duces tecum and ad testificandum served on Firefly Value Partners, LP and FVG GP, LLC on December 30, 2015 (the “Subpoenas”).


2. Firefly Value Partners, LP is a Delaware limited partnership that serves as investment manager to, inter alia, FVP US-Q, LP, a Delaware limited partnership, and FVP Master Fund, L.P., a Cayman Islands exempted limited partnership. The general partner of Firefly Value Partners, LP is Firefly Management Company GP, LLC, a Delaware limited liability company. Both FVP US-Q, LP and FVP Master Fund, L.P. are plaintiffs in a proceeding that is currently pending against Porsche Automobil Holding SE (“Porsche”) in the Regional Court of Hanover under the caption Effecten-Spiegel AG v. Porsche Automobil

Holding SE, Dkt. No. 18 O 175/15 (the “German Action”). FVP US-Q, LP and FVP Master Fund, L.P. are pooled private investment funds or hedge funds that implement a long-short equity investment strategy.

3. FVP GP, LLC is a Delaware limited liability company that serves as the general partner of FVP US-Q, LP and FVP Master Fund, L.P. The managing members of FVP GP, LLC and Firefly Management Company GP, LLC are Ariel Warszawski and Ryan Heslop. Firefly Value Partners, LP and FVP GP, LLC, the two entities subpoenaed by Porsche in this proceeding, are both ultimately controlled by Ariel Warszawski and Ryan Heslop. Both Firefly Value Partners, LP and FVP GP, LLC provide services to, and each is an authorized agent of, FVP US-Q, LP and FVP Master Fund, L.P, the plaintiffs in the German Action.

4. I refer to the various entities identified in the prior paragraphs as “Firefly Entities.” The principal place of business of all of the Firefly Entities is located at 601 West 26th Street, Suite 1520, New York, NY 10001. All Firefly Entities share the same document management system, computer file server, email archiving system, computer network, and essential personnel.

I declare under penalty of perjury that the foregoing is true and correct, this 22nd day of January, 2016. Executed in New York, New York.


Evan A. Gelacek